

House Resolution 411

By: Representatives Porter of the 143rd, Hugley of the 133rd, Smyre of the 132nd, Marin of the 96th, Orrock of the 58th, and others

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that state and local government records shall be available to any person for inspection and copying and that meetings of state and local government bodies shall be open to the public, except as otherwise provided by law under certain conditions; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section I of the Constitution is amended by redesignating Paragraph XXVIII as Paragraph XXIX and inserting a new Paragraph XXVIII to read as follows:

"Paragraph XXVIII. Official records maintained by or on behalf of state or local government available for public inspection and copying; state and local government meetings open to the public. (a) Except with respect to records or portions thereof exempted by general law pursuant to this Paragraph or otherwise specifically made confidential by this Constitution, every person shall have the right to inspect or copy any record made or received in connection with the official business of the legislative, executive, and judicial branches of state government; each constitutional officer; counties, municipalities, consolidated governments, and local school districts; each department, agency, board, bureau, commission, or authority of any of the foregoing; any public-private partnership; any other government entity created pursuant to law or this Constitution; organizations with membership or ownership composed primarily of public entities; and private persons, corporations, or other organizations receiving, maintaining, storing, or otherwise in possession of records on behalf of any state or local government office or agency specified in this subparagraph.

(b) Except with respect to meetings or portions thereof exempted by general law pursuant to this Paragraph or otherwise specifically made confidential by this Constitution, all meetings of any governing body or board of any department, agency, bureau, commission, or authority of the executive branch of state government or of any county, municipality,

1 consolidated government, school district, special district, or public-private partnership at
2 which official acts are to be taken or at which official business of such body is to be
3 transacted or discussed shall be open and noticed to the public; and meetings of the General
4 Assembly shall be open to the public as provided in Article III, Section IV, Paragraph XI.

5 (c) Any law in force and effect on December 31, 2004, exempting certain government
6 records or portions thereof from public inspection or disclosure or exempting certain
7 government meetings or portions thereof from being open to the public contrary to the
8 requirements of subparagraph (a) or (b) of this Paragraph shall continue in force and effect
9 until such time as such law is specifically repealed by Act of the General Assembly or July
10 1, 2008, whichever first occurs; except that any such general law in force and effect on
11 December 31, 2004, may be specifically continued in force and effect on and after July 1,
12 2008, by specific reenactment prior to July 1, 2008.

13 (d)(1) Any law in force and effect on December 31, 2004, exempting certain government
14 records or portions thereof from public inspection or disclosure or exempting certain
15 government meetings or portions thereof from being open to the public contrary to the
16 requirements of subparagraph (a) or (b) of this Paragraph which law is not continued in
17 force and effect pursuant to subparagraph (c) of this Paragraph shall stand repealed on July
18 1, 2008.

19 (2) Any law enacted on or after January 1, 2005, and prior to January 1, 2007, newly
20 exempting certain government records or portions thereof from public inspection or
21 disclosure or exempting certain government meetings or portions thereof from being open
22 to the public contrary to the requirements of subparagraph (a) or (b) of this Paragraph shall
23 stand repealed on January 1, 2007.

24 (e)(1) The General Assembly may by general law approved by two-thirds of the members
25 elected to each house thereof amend any exemption which was continued in force and
26 effect pursuant to subparagraph (c) of this Paragraph or provide for additional or different
27 exemptions.

28 (2) The General Assembly may subsequently repeal any exemption which was continued
29 in force and effect pursuant to subparagraph (c) of this Paragraph or any additional or
30 different exemption enacted pursuant to this subparagraph

31 (f) Any general law continuing an exemption in force and effect pursuant to subparagraph
32 (c) of this Paragraph or amending such an exemption or providing for any additional or
33 different exemption pursuant to subparagraph (e) of this Paragraph shall state with specificity
34 the public necessity justifying the exemption and shall be no broader than necessary to
35 accomplish the stated purpose of the law.

36 (g) The General Assembly shall by general law provide for the implementation and
37 enforcement of this Paragraph and matters related thereto, including without limitation the

1 maintenance, control, destruction, disposal, and disposition of records made public pursuant
2 to this Paragraph.

3 (h) Laws enacted pursuant to this Paragraph shall contain only exemptions from the
4 requirements of subparagraph (a) or (b) of this Paragraph, provisions governing the
5 enforcement of this Paragraph, or both.

6 (i) Any general law authorizing an exemption from the requirements of subparagraph (a)
7 or (b) of this Paragraph shall be strictly construed to ensure that any infringement on the right
8 to review records or attend meetings shall be minimal. The right to access government
9 records and government meetings shall be construed broadly in favor of the public."

10 SECTION 2.

11 The above proposed amendment to the Constitution shall be published and submitted as
12 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
13 above proposed amendment shall have written or printed thereon the following:

14 "() YES Shall the Constitution of Georgia be amended so as to provide that state and
15 local government records shall be available to any person for inspection and

16 () NO copying and that meetings of state and local government bodies shall be open
17 to the public, except as otherwise provided by law under certain conditions?"

18 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

19 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
20 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
21 become a part of the Constitution of the state.